

Paper No. 1512
Disposes of
Paper No. 1498

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER
) FOR THE RETURN OF THE
) DIARY OF KIDO, Koichi
) FOR 1930-1945 INCLUSIVE
) (EX. NO. 178 FOR IDENT.)

This matter coming on to be heard this 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused KIDO, Koichi, by Shigetake Hozumi and William Logan, Jr., his counsel, for the return of the diary of said Accused KIDO for the years 1930 to 1945 inclusive, and the delivery of said diary to the Accused KIDO, said application being Paper No. 1498, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, and it appearing to the Tribunal that said original diary was surrendered by said Accused KIDO on or about the 21st day of December, 1945, to a representative of the International Prosecution Section upon the promise and agreement of said representative that the diary would be returned; that said original diary for the years 1930 to 1945 inclusive has been introduced and marked as Exhibit No. 178 for Identification Only; and it further appearing to the Tribunal that both the Prosecution and counsel for said Accused KIDO are in possession of one complete photostatic copy of said

Exhibit No. 178 for Identification Only and that no substantial injustice or prejudice to the rights of the Prosecution or of the Accused, or any of them, will result from the withdrawal of the original diary from the files of the Clerk of this Tribunal, it is

ORDERED: That said application be and is hereby granted; and it is further

ORDERED: That Court Exhibit No. 178 for Identification Only, being the original of the diary of KIDO, Koichi, for the years 1930 to 1945 inclusive, be withdrawn from the files of the Tribunal forthwith and delivered to said Accused KIDO, Koichi or his counsel in his behalf, upon the express term and condition, however, that said document shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require it for the purpose of this trial; and it is further

ORDERED: That all excerpts from said Court Exhibit No. 178 for Identification Only which have been admitted into evidence shall remain in the files and records of the Tribunal and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb
PRESIDENT